

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

UNITED STATES OF AMERICA

v.

DAVID BRYSON MURPHY

*
*
*
*
*

CR 121-051

O R D E R

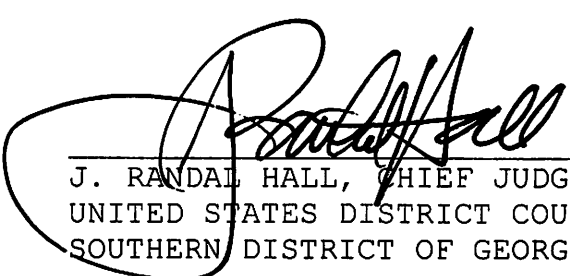
Presently before the Court is a letter motion titled "Clarification of Sentencing" filed by Defendant David Bryson Murphy. On February 8, 2022, Defendant was sentenced to serve 54 months imprisonment upon his guilty plea to possession of a firearm by a convicted felon, a violation of 18 U.S.C. § 922(g)(1). The Court expressly provided that this federal sentence shall be served "concurrently with any term imposed in the related McDuffie County case (2021WR1777)." (See Judgment & Commitment Order, Doc. 30, at 2.) There is no mention of Defendant's arrests and any convictions for *unrelated* state probation violations in McDuffie County Case Nos. 18CR0230 and 19CR0244.

Through his letter motion, Defendant seeks an Order expressing that his federal sentence should also run concurrent with any state sentence imposed, presumably with his state probation violation sentences. This Court, however, does not have the authority to modify a sentence once it has been imposed with

three exceptions, none of which apply here. See 18 U.S.C. § 3582(c)(2). Accordingly, the Court is without authority to even consider Defendant's motion. Moreover, once Defendant has completed his state sentence, he will be turned over to the custody of the Bureau of Prisons, which holds a detainer upon Defendant for this purpose, to serve his federal sentence. And while the Bureau of Prisons has the power to designate a state facility *nunc pro tunc* as the place of federal confinement so that a defendant may gain credit against a federal sentence for the time served in the state facility, this is a decision within the discretion of the Bureau of Prisons and not this Court.

Upon the foregoing, Defendant's "Clarification of Sentence" asking for a sentence modification (doc. 34) is **DENIED**. The Clerk is directed to **TERMINATE** the Government's motion to dismiss (doc. no. 37).

ORDER ENTERED at Augusta, Georgia, this 3rd day of March, 2023.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA